

SENATE BILL No. 207

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-8-8-14.1.

Synopsis: 1977 pension fund survivor benefits. Provides that, for purposes of the 1977 police officers' and firefighters' fund provisions concerning line of duty benefits paid to a survivor, the term "line of duty" also includes any action that a fund member, in the member's capacity as a police officer or firefighter, performs: (1) in the course of controlling or reducing crime or enforcing the criminal law; or (2) while on the scene of an emergency run or on the way to or from the scene. (Current law requires that the member must have been obligated or authorized by rule, regulation, condition of employment or service, or law to perform the action.)

Effective: June 1, 1998 (retroactive).

Craycraft

January 6, 1999, read first time and referred to Committee on Pensions and Labor.



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First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

SENATE BILL No. 207

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 36-8-8-14.1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JUNE 1, 1998 (RETROACTIVE)]: Sec.
3 14.1. (a) Benefits paid under this section are subject to section 2.5 of
4 this chapter.
5 (b) If a fund member dies while receiving retirement or disability
6 benefits, the following apply:
7 (1) Each of the member's surviving children is entitled to a
8 monthly benefit equal to twenty percent (20%) of the fund
9 member's monthly benefit:
10 (A) until the child reaches eighteen (18) years of age; or
11 (B) until the child reaches twenty-three (23) years of age if the
12 child is enrolled in and regularly attending a secondary school
13 or is a full-time student at an accredited college or university;
14 whichever period is longer. However, if the board finds upon the
15 submission of satisfactory proof that a child who is at least
16 eighteen (18) years of age is mentally or physically incapacitated,
17 is not a ward of the state, and is not receiving a benefit under



subdivision (1)(B), the child is entitled to receive an amount each month that is equal to the greater of thirty percent (30%) of the monthly pay of a first class patrolman or first class firefighter or fifty-five percent (55%) of the monthly benefit the deceased member was receiving or was entitled to receive on the date of the member's death as long as the mental or physical incapacity of the child continues. Benefits paid for a child shall be paid to the surviving parent as long as the child resides with and is supported by the surviving parent. If the surviving parent dies, the benefits shall be paid to the legal guardian of the child.

(2) The member's surviving spouse is entitled to a monthly benefit equal to sixty percent (60%) of the fund member's monthly benefit during the spouse's lifetime. If the spouse remarried before September 1, 1983, and benefits ceased on the date of remarriage, the benefits for the surviving spouse shall be reinstated on July 1, 1997, and continue during the life of the surviving spouse.

If a fund member dies while receiving retirement or disability benefits, there is no surviving eligible child or spouse, and there is proof satisfactory to the local board, subject to review in the manner specified in section 13.1(b) of this chapter, that the parent was wholly dependent on the fund member, the member's surviving parent is entitled, or both surviving parents if qualified are entitled jointly, to receive fifty percent (50%) of the fund member's monthly benefit during the parent's or parents' lifetime.

(c) If a fund member dies while on active duty or while retired and not receiving benefits, the member's children and the member's spouse, or the member's parent or parents, are entitled to receive a monthly benefit determined under subsection (b). If the fund member did not have at least twenty (20) years of service or was not at least fifty-two (52) years old, the benefit is computed as if the member:

- (1) did have twenty (20) years of service; and
- (2) was fifty-two (52) years of age.

(d) If a fund member dies in the line of duty after August 31, 1982, the member's surviving spouse is entitled to an additional monthly benefit during the spouse's lifetime, equal to the difference between the benefit payable under subsection (b)(2) and the benefit to which the member would have been entitled on the date of the member's death, but not less than the benefit payable to a member with twenty (20) years service at fifty-two (52) years of age. If the spouse remarried before September 1, 1983, and benefits ceased on the date of remarriage, the benefits for the surviving spouse shall be reinstated on July 1, 1997, and continue during the life of the surviving spouse. For



purposes of this subsection, "dies in the line of duty" means death that occurs as a direct result of personal injury or illness resulting from:

(1) any action that the member, in the member's capacity as a police officer:

(A) is obligated or authorized by rule, regulation, condition of employment or service, or law to perform; **or**

(B) **performs** in the course of controlling or reducing crime or enforcing the criminal law; or

(2) any action that the member, in the member's capacity as a firefighter:

(A) is obligated or authorized by rule, regulation, condition of employment or service, or law to perform; **or**

(B) **performs** while on the scene of an emergency run (including false alarms) or on the way to or from the scene.

SECTION 2. An emergency is declared for this act.

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